

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest)	MEMORANDUM DECISION
of K.B., a person under)	(Not For Official Publication)
eighteen years of age.)	
_____)	Case No. 20051126-CA
)	
D.W.B.,)	F I L E D
)	(April 27, 2006)
Appellant,)	
)	2006 UT App 176
v.)	
)	
State of Utah,)	
)	
Appellee.)	

Third District Juvenile, Tooele Department, 458583
The Honorable C. Dane Nolan

Attorneys: David J. Angerhofer, Sandy, for Appellant
Mark L. Shurtleff and John M. Peterson, Salt Lake
City, for Appellee
Martha Pierce and Jim Michie, Salt Lake City,
Guardians Ad Litem

Before Judges Davis, McHugh, and Orme.

PER CURIAM:

D.W.B. (Father) appeals the termination of his parental rights in K.B. He asserts there was insufficient evidence to support termination and that his due process rights were violated because no shelter, adjudication, or permanency hearing was held prior to the termination trial.

A juvenile court's findings of fact will not be overturned unless clearly erroneous. See In re E.R., 2001 UT App 66, ¶11, 21 P.3d 680. A finding of fact is clearly erroneous only when, in light of the evidence supporting the finding, it is against the clear weight of the evidence. See id. Additionally, a juvenile court has broad discretion regarding judgments, based on the juvenile court's specialized experience and training, as well as the ability to judge credibility firsthand. See id. So, in reviewing an order terminating parental rights, this court "will

not disturb the juvenile court's findings and conclusions unless the evidence clearly preponderates against the findings as made or the court has abused its discretion." In re R.A.J., 1999 UT App 329, ¶6, 991 P.2d 1118.

Furthermore, pursuant to Utah Code section 78-3a-407, the finding of any single ground is sufficient to warrant termination of parental rights. See Utah Code Ann. § 78-3a-407(1) (Supp. 2005) (providing that the court may terminate parental rights if it finds any one of grounds listed); In re F.C. III, 2003 UT App 397, ¶6, 81 P.3d 790 (noting any single ground is sufficient to terminate parental rights). Thus, if there is sufficient evidence in the record to support any one of the grounds for termination found by the juvenile court, the termination of Father's rights is appropriate.

The juvenile court found multiple grounds for termination, including abandonment. See Utah Code Ann. § 78-3a-407(1)(a). It is prima facie evidence of abandonment that a parent has failed to communicate with a child in any way for six months or has failed to show the normal interest of a parent without just cause. See Utah Code Ann. § 78-3a-408(1) (Supp. 2005). Here, Father saw his child only once for a brief visit over the course of about eighteen months. Father did not even see K.B. for the first time following his birth until he was about ten months old, then did not communicate with K.B. or see him again for more than six months. Furthermore, Father failed to voluntarily support K.B. in any significant way, did not pursue visitation, and basically failed to demonstrate any interest in K.B. until the termination petition was filed. There is ample evidence to establish that Father abandoned K.B., and thus, the juvenile court did not err in terminating Father's parental rights.

Father also asserts, without argument, that his due process rights were violated because there was no shelter or permanency hearing. Father has not shown, however, that he was entitled to a shelter or permanency hearing. The current case was initiated by the filing of a petition to terminate parental rights. Such petitions are governed by the Termination of Parental Rights Act (Termination Act). See Utah Code Ann. §§ 78-3a-401 to -415 (2002 & Supp. 2005). The Termination Act does not provide for shelter or permanency hearings. Rather, shelter and permanency hearings are provided for in abuse, neglect, or dependency proceedings. See Utah Code Ann. §§ 78-3a-306, -312 (Supp. 2005). This case was not initiated as an abuse, neglect, or dependency case. As a result, the requirement for a shelter or permanency hearing was not triggered.

In sum, there was sufficient evidence supporting grounds to terminate Father's parental rights and there was no due process

violation in not holding hearings that were not required under the circumstances of this case. Accordingly, the termination of Father's parental rights is affirmed.

James Z. Davis, Judge

Carolyn B. McHugh, Judge

Gregory K. Orme, Judge